

EXHIBIT “B”

PAMELA E. COGAN (SBN 105089)
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Attorneys for
LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL CREMIN,

Plaintiff,

v.

McKESSON CORPORATION
EMPLOYEES' LONG TERM
DISABILITY BENEFIT PLAN,

Defendant.

CASE NO. C 04-4394 EDL

**STIPULATION AND ~~PROPOSED~~
ORDER RE SUBSTITUTION OF
LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON FOR DEFENDANT
McKESSON CORPORATION
EMPLOYEES' LONG TERM DISABILITY
PLAN**

This is an action arising under the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. section 1132 (a)(1) and (3).

WHEREAS, plaintiff Michael Cremin has named McKesson Corporation Employees' Long Term Disability Benefit Plan ("Plan") as defendant in this action,

WHEREAS, the complaint was served on McKesson Corporation on October 18, 2004.

WHEREAS, the Plan was fully insured under a policy issued by Liberty Life Assurance Company of Boston to McKesson Corporation.

WHEREAS, Liberty Life Assurance Company of Boston agrees it will be liable for any judgment concerning the payment or non-payment of long term disability benefits that may result from this action as if it were the Plan.

1 IT IS HEREBY STIPULATED between the parties through their respective counsel of
2 record that Liberty Life Assurance Company of Boston will and hereby is substituted in the place
3 of and instead of the Plan.

4 IT IS FURTHER STIPULATED between the parties through their respective counsel of
5 record that service of the complaint on McKesson Corporation is deemed effective service on
6 Liberty Life Assurance Company of Boston for purposes of this instant lawsuit.

7 IT IS FURTHER STIPULATED that the Plan is hereby dismissed without prejudice and
8 the complaint is amended to name Liberty Life Assurance Company of Boston as defendant.

9 IT IS SO STIPULATED.

10 Dated: November ____, 2004

THORNTON DAVIDSON & ASSOCIATES

11 By: _____

12 THORNTON DAVIDSON
13 Attorney for Plaintiff
14 Michael Cremin

15 Dated: November 24, 2004

JENKINS, GOODMAN, NEUMAN &
HAMILTON

17 By: _____

18 FARLEY J. NEUMAN
19 Attorneys for MCKESSON
20 CORPORATION EMPLOYEES' LONG
TERM DISABILITY BENEFIT PLAN

21 Dated: November 29, 2004

ROPERS, MAJESKI, KOHN & BENTLEY

22 By: _____

23 PAMELA E. COGAN
24 ERIN A. CORNEIL
25 Attorneys for Defendant
26 LIBERTY LIFE ASSURANCE
27 COMPANY OF BOSTON
28

Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City

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8 the complaint is amended to name Liberty Life Assurance Company of Boston as defendant.

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10 Dated: November 24, 2004

THORNTON DAVIDSON & ASSOCIATES

11 By: 

12 THORNTON DAVIDSON
13 Attorney for Plaintiff
14 Michael Cremin

15 Dated: November _____, 2004

JENKINS, GOODMAN, NEUMAN &
HAMILTON

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17 FARLEY J. NEUMAN
18 Attorneys for MCKESSON
19 CORPORATION EMPLOYEES' LONG
20 TERM DISABILITY BENEFIT PLAN

21 Dated: November _____, 2004

ROPERS, MAJESKI, KOHN & BENTLEY

22 By: _____

23 PAMELA E. COGAN
24 ERIN A. CORNELL
25 Attorneys for Defendant
26 LIBERTY LIFE ASSURANCE
27 COMPANY OF BOSTON
28

ORDER

IT IS SO ORDERED. Liberty Life Assurance Company of Boston is hereby substituted in place of the Plan for all purposes.

The Plan is dismissed without prejudice.

Dated: 1/5/05
~~November _____, 2004~~

/s/ CLAUDIA WILKEN

~~HONORABLE MAJESTRATE JUDGE~~
~~ELIZABETH D. LAPORTE~~

Ropers Majeski Kohn & Bentley
A Professional Corporation
Redwood City